

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

PAUL MARK DE LA O JR.,

Plaintiff,

v.

No. 2:21-cv-00801-RB-KRS

FOOD & DRUG ADMINISTRATION and  
CENTERS FOR DISEASE CONTROL,

Defendants.

**MEMORANDUM OPINION AND ORDER OF DISMISSAL**

**THIS MATTER** comes before the Court on *pro se* Plaintiff's Amended Civil Rights Complaint Pursuant to 42 U.S.C. § 1983, filed September 7, 2021. (Doc. 10.)

In his original Complaint, Mr. De La O asserted that Defendants Food & Drug Administration (FDA) and Centers for Disease Control (CDC) were guilty of several crimes, injured his health by promoting products which contain chemicals and promoting vaccinations for COVID-19, and invaded his privacy. (*See* Doc. 1.)

United States Magistrate Judge Kevin R. Sweazea notified Mr. De La O that the Complaint should be dismissed because allegations that a defendant is “promoting” a product or vaccinations and/or that a defendant invaded his privacy, without more, are insufficient to state a claim. (*See* Doc. 8.) Judge Sweazea also notified Plaintiff that “to state a claim in federal court, a complaint must explain what each defendant did to him or her; when the defendant did it; how the defendant’s action harmed him or her; and, what specific legal right the plaintiff believes the defendant violated.” (*Id.* at 3 (quoting *Nasious v. Two Unknown B.I.C.E. Agents, at Arapahoe Cty, Justice Ctr.*, 492 F.3d 1158, 1163 (10th Cir. 2007)).) Judge Sweazea ordered Mr. De La O to file an amended complaint. (*Id.*)

The Amended Complaint similarly fails to state a claim upon which relief can be granted.


Mr. De La O alleges Defendants FDA and CDC:

are guilty of psychologically abusing me, physically abusing me, & invasion of privacy. Their actions include & are not limited to: inflicting on my mental health, physically endangering my life, willfully poisoning me by allowing harmful chemicals to be added into several food products . . . .

The FDA is guilty of continuously pushing and/or enforcing vaccines . . . . The actions of which the (FDA) . . . and CDC . . . are guilty of committing including and are not limited to: allowing and/or advertising, and/or promoting and/or permitting and/or inciting . . . inoculation use for corona virus . . . in spite of indications contradicting overall effectiveness . . . shipping of food, beverages, and goods despite all health code (variants) regulations involving COVID-19 . . . over-the-counter medications . . . ad campaigns . . . .

(Doc. 10 at 2, 7–8.) Despite Judge Sweazea’s notice of the elements necessary to state a claim, the Amended Complaint does not allege facts explaining with particularity what Defendants FDA and CDC did *to* Mr. De La O, *when* they did it, and how *their actions* harmed him. The Court dismisses this case because the Amended Complaint fails to state a claim.

**IT IS ORDERED** that this case is **DISMISSED without prejudice**.

  
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ROBERT C. BRACK  
SENIOR U.S. DISTRICT JUDGE